

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART III**

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council@isa.org.jm.

1. Name of Working Group:

Environment

2. Name(s) of Delegation(s) making the proposal:

Belgium

3. Please indicate the relevant provision to which the textual proposal refers.

Article 44

4. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

Section 1

Obligations relating to the Marine Environment

Regulation 44

General obligations

1. ~~1.~~ The Authority, sponsoring States, the Enterprise, ~~and~~ Contractors ~~and States competent for vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority~~ shall each, within their respective competence, adopt, plan, implement and modify measures necessary for ensuring effective protection of the Marine Environment, including [rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species] and other forms of marine life, from harmful effects [directly resulting from Exploitation in the Area or from shipboard dewatering immediately above a mine site of minerals derived from that mine site.] [which may arise from activities in the Area], in accordance with the Rules of the Authority, Guidelines referred to in regulation 45 and the applicable Regional Management Environmental Plan. ~~To this end:~~
2. The parties mentioned in paragraph 1 shall:
 - (a) ~~In adopting and keeping under periodic review rules, regulations and procedures, as well as the Standards and Guidelines in accordance with the Convention and the Agreement, the Authority shall:~~

~~(a)~~ Apply the precautionary [\[approach\]](#) [\[principle\]](#), as reflected in principle 15 of the Rio Declaration on Environment and Development and the [ecosystem-based management approach](#) to the assessment and management of risk [of harm](#) to the Marine Environment from Exploitation in the Area;

~~(b)~~ Apply the Best Available Techniques and Best Environmental Practices;

~~(c)~~ Integrate Best Available Scientific Evidence in decision-making, including all risk assessments and management undertaken in connection with environmental assessments, and the management and response measures taken under or in accordance with Best Environmental Practices; and

~~(d)~~ [Ensure](#) accountability and transparency in the assessment, evaluation and management of Environmental Effects [and risks](#) from Exploitation in the Area, including through [Stakeholder participation](#) and the timely [public](#) release of relevant environmental data and information [at regular intervals and in an accessible format through the Authority's website.](#)

~~(e)~~~~(iv)~~~~bis~~ [Take into account the approach that the polluter should, in principle, bear the cost of pollution, endeavour to promote practices whereby those engaged in exploitation activities bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.](#)

~~(f)~~~~v~~~~ter~~ [In implementing the regulations, act so as not to transfer, directly or indirectly, damage or likelihood of damage from one part of the environment to another or transform one type of pollution into another.](#)

~~(b) In taking all necessary measures to ensure that the Contractor carries out Exploitation in the Area in conformity with the terms of its contract and its obligations under the Rules of the Authority related to the effective protection for the Marine Environment from harmful effects, the Sponsoring State shall assist the Authority to implement, mutatis mutandis, the measures set out under paragraph (a)(i) to (iv) above.~~

5. Please indicate the rationale for the proposal. [150-word limit]

As Belgium perceives this Regulation, its aim is twofold: the Regulation reiterates the general obligation for all parties involved to take measures necessary for ensuring effective protection of the Marine Environment and, secondly, it establishes the applicable principles to act accordingly. The Regulation does not determine the competencies of these parties. That is determined elsewhere in the Convention and the Regulations. Therefore, references to specific competencies may be discarded in this Regulation. Our proposal aims to slim down the Regulation, making it more readable and in the meantime removing the confusing mutatis mutandis wording.

